

EXHIBIT D

RECORDS CUSTODIAN AFFIDAVIT AND DECLARATION

FROM: ELAVON, INC.

Timothy F. Frost, Corporate Counsel
7300 Chapman Highway | Knoxville, Tennessee | 37920

TO: Wetherington Law Firm, P.C.

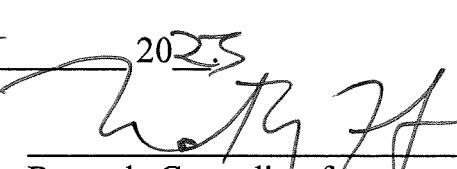
1800 Peachtree St. NW, Suite 370, Atlanta, GA 30309

COMES NOW Records Custodian of **ELAVON, INC.** and responds to this **FEDERAL SUBPOENA FOR PRODUCTION OF DOCUMENTS** served pursuant to FRCP 45(a)(1)(D), and HEREBY CERTIFIES the following:

1. I, the undersigned Custodian of Records, hereby certify that I am a duly authorized custodian of records for **ELAVON, INC.** that the records attached hereto are true and accurate copies of the records of **ELAVON, INC.**
2. I, the undersigned Custodian of Records, further certify the following in accordance with FRCP 803(6):
 - (A) the record was made at or near the time by — or from information transmitted by—someone with knowledge;
 - (B) the record was kept in the course of a regularly conducted activity of a “business”, which term includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit;
 - (C) making the record was a regular practice of that activity;
 - (D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and
 - (E) [neither] the opponent does not show that the source of information [n]or other circumstances indicate a lack of trustworthiness.

This 7th day of August

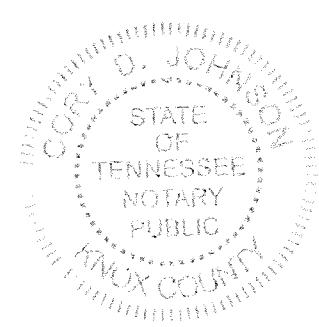
2023


Records Custodian for
ELAVON, INC.

SWORN to and subscribed in my presence
this 7th day of August, 2023.

(NOTARY PUBLIC)

My Commission Expires: 09/07/2025





James T. Cox, Esq.
404-991-3692 
404-888-4444 
Robert@wfirm.com 

July 24, 2023

VIA EMAIL: TIMOTHY.FROST@ELAVON.COM

ELAVON, INC.

Timothy F. Frost, Corporate Counsel

7300 Chapman Highway | Knoxville, Tennessee | 37920

RE: *JANICE MCMONIGLE, et al. v. BLACKOXYGEN ORGANICS USA, INC.*
USDC GAND Civil Action No. 1:21-cv-04790-LMM

Dear Mr. Frost,

As you are aware Wetherington Law Firm represents Plaintiffs in the above referenced lawsuit. On April 10, 2023, Elavon, Inc. was served with a Federal Subpoena to produce documents pursuant to FRCP 45(a)(1)(D). Notice of Intent to serve the enclosed Subpoena was served upon all parties to the above action pursuant to FRCP 45(a)(1)(D)(4) on April 6, 2023.

Pursuant to FRCP 45(e)(1)(A), you must produce the documents as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand. Accordingly, please execute the enclosed Affidavit certifying that the produced records were kept in the ordinary course of regularly conducted activity in accordance with Rule 803(6). Should you have any questions or concerns, please do not hesitate to contact me directly. We appreciate your attention to this matter.

Very truly yours,
/s/ James Cox
James T. Cox, Esq.
Counsel for Plaintiffs

JTC/smq